

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Key Emarri Burton,

Case No.: 2:23-cv-00753-APG-BNW

Petitioner

Order Denying Motion for Counsel

V.

[ECF No. 15]

Gabriela Najera, *et al.*,

Respondents

8 In his 28 U.S.C. § 2254 habeas corpus petition Key Emarri Burton challenges his Clark
9 County Nevada conviction, pursuant to a guilty plea, of attempted murder. ECF No. 6. Burton
10 has now filed a motion for appointment of counsel. ECF No. 15.¹ I find that counsel is not
11 warranted in this case, so I deny the motion.

12 There is no constitutional right to appointed counsel in a federal habeas corpus
13 proceeding. *Luna v. Kernan*, 784 F.3d 640, 642 (9th Cir. 2015) (citing *Lawrence v. Florida*, 549
14 U.S. 327, 336–37 (2007)). Whenever the court determines that the interests of justice so require,
15 counsel may be appointed to any financially eligible person who is seeking habeas corpus relief.
16 18 U.S.C. § 3006A(a)(2)(B). “[T]he district court must evaluate the likelihood of success on the
17 merits as well as the ability of the petitioner to articulate his claims *pro se* in light of the
18 complexity of the legal issues involved.” *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).
19 Here, Burton alleges in the petition’s two grounds that because his plea counsel rendered
20 ineffective assistance, he did not knowingly, intelligently, and voluntarily enter into the guilty
21 plea agreement. ECF No. 6. Burton presents his claims clearly and the legal issues do not appear
22 to be particularly complex. Therefore, I deny the motion for appointment of counsel.

¹ The respondents opposed, and the petitioner replied. ECF Nos. 16, 18.

1 I THEREFORE ORDER that the petitioner's motion for appointment of counsel (ECF
2 **No. 15) is denied.**

3 I FURTHER ORDER that the petitioner must file his opposition to the motion to dismiss
4 (ECF No. 9), if any, by May 17, 2024. The court is highly unlikely to grant any further extension
5 of time.

6

7 DATED this 17th day of April, 2024.

8 
9 ANDREW P. GORDON
10 UNITED STATES DISTRICT JUDGE

11

12

13

14

15

16

17

18

19

20

21

22

23